

REMARKS

The application was filed with 27 claims. Claims 1-3 and 11-15 have been cancelled, and new claims 28 and 29 have been added. Claims 4-10 and 16-29 are pending in the application. Claims 4-8, 10, 16-18, 20, 21, and 24 have been amended. Reconsideration by the Examiner in view of the amendments and following remarks is respectfully requested.

1. The Examiner has rejected Claims 1-2, 4-7, 12-13, 16-17, 21-22, and 24-25 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Pat. No. 766,145 (July 26, 1904) to W. N. Greer ("Greer"). Applicants respectfully traverse the rejections. The Examiner does not show how each element of each claim is shown in the prior art. Claims 1-2 and 12-13 have been cancelled. Claims 4-7, 16-17, 21-22 and 24 have been amended. Greer does not anticipate the claims of the application because Greer does not describe a spring mounted between the upper jaw and the slide bar, wherein the upper jaw is pivotally mounted to the slide bar. In order to anticipate an invention, the prior art reference must disclose every limitation of the invention. Since Greer does not disclose at least this limitation, Greer does not anticipate the claimed invention.

The Examiner has also rejected claims 1-3, 8-15, 18-20, and 24-27 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Pat. No. 2,543,824 (March 6, 1951) to B.M. Beesley et al. ("Beesley"). Applicants respectfully traverse the rejections. The Examiner does not show how each element of each claim is shown in the prior art. Claims 1-3 and 11-15 have been cancelled, and claims 8, 10, 20 and 24 have been amended. It is clear that Beesley does not anticipate the claims of the application because Beesley does not disclose an actuating lever having a portion that extends longitudinally toward the gripping portion. In order to anticipate an invention, the prior art reference must disclose every limitation of the invention. Since Beesley does not describe at least this limitation, Beesley does not anticipate the claimed invention.

Applicants therefore believe that the rejections under 35 U.S.C. § 102 (b) are overcome, and respectfully request the Examiner to reconsider the amended claims and new claims, to withdraw the rejections under 102(b) of claims 4-10, 16-22, and 24-27 and to advance the claims to allowance.

2. The Examiner has also rejected Claims 3, 8-11, 14-15, 18-20, 23 and 26-27 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Pat. No. 766,145 (July 26, 1904) to W. N. Greer ("Greer") in view of U.S. Pat. No. 2,543,824 (March 6, 1951) to B.M. Beesley et al. ("Beesley"). The Examiner states it would have been obvious to modify Greer's device with the features of Beesley's device. Applicants respectfully traverse the rejections, since there is no suggestion to combine the references. For example, Beesley describes a wrench with an upper jaw that can pivot or move with respect to the gripping handle, while in Greer's wrench, the upper jaw is completely fixed with respect to the handle. Such contradictory teachings cannot be combined.

In the present invention as claimed, the recited brake lever of the wrench extends longitudinally substantially the same length toward the gripping portion as the lower jaw extends, as described in the specification and shown in Figs. 2 and 6. The lever is longer and a user is better able to move the lever and manipulate the wrench with this feature. In contrast, Beesley's actuating "finger" (see Fig. 2, numeral 80) is very short, as is the finger-piece of Greer (see Fig. 1, numeral 11). In both Beesley and Greer, the lever or finger extends only a short distance toward the gripping surface. By contrast, the lever of the amended claims extends longer towards the gripping surface and is more easily accessed by a user. The Examiner is therefore respectfully requested to withdraw the rejections under 35 U.S.C. § 103 (a) of Claims 8-10, 18-20, 23, 26 and 27, and to reconsider Claims 8-10, 18-20, 23, 26 and 27.

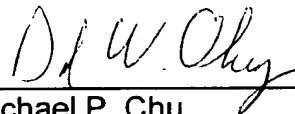
3. New claims 28 and 29 have been submitted. Support for new Claim 28 is found at least in the specification on p. 6, lines 22-25, and on p. 8, lines 23-28, and in the claims as filed. Support for new Claim 29 is found at least in the specification, p. 3, lines 3-14, p. 8, lines 9-21, and p. 6, lines 22-25, as well as the claims as filed and Figs.

6 and 8. The new claims are allowable over the prior art because the prior art does not describe or suggest an adjustable pipe wrench or hand clamp having a pivoting upper jaw that is spring-biased toward the lower jaw.

4. The features of Applicants' adjustable pipe wrench are directed to ease of use. By having a long lever for actuating the wrench, a user is more easily able to reach the lever and use the wrench. By biasing the upper jaw toward the lower jaw, the wrench tends to be "driven" to a closed or gripping position with respect to a pipe or other object a user desires to grasp. Because these features enable one-handed use of the wrench, a better title for the application is "One Hand Pipe Wrench". Applicants request that the Examiner allow the change of title of the present application.

5. Applicants have amended claims, cancelled claims, and added claims to better claim the invention described in the application. Applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. §§ 102 and 103 and advance the application to allowance. Should the Examiner believe that contact with the undersigned will expedite the allowance of the claims, the Examiner is respectfully asked to call the undersigned at 312-321-4711.

Respectfully submitted,



Michael P. Chu
Reg. No. 37, 112
David W. Okey
Reg. No. 42,959
Attorneys for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200